

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2004-10364-NMG-01

SHAWN WINBUSH,
Defendant.

ORDER AND RECOMMENDATION AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C)

COLLINGS, U.S.M.J.

A Final Status Conference was held on April 12, 2005.

The within Order is prepared pursuant to Local Rule 116.5(D). Using the enumeration of matters listed in Local Rule 116.5(C), I report as follows:

- (1) None.
- (2) No.
- (3) No.

- (4) The government has not requested notice of alibi.
- (5) A motion to suppress was filed on March 10, 2005.¹
- (6) *An Initial Pretrial Conference should be set to hear the motion to suppress and to set a firm trial date.*
- (7) At this point, the case will have to be tried; trial will last about five (5) days.
- (8) See Order of Excludable Delay (#25).
- (9) Five (5) days.

Using the enumeration of matters listed in Local Rule 116.5(D), I report as follows:

- (1) Yes.
- (2) Yes; no reason for the case to remain with the magistrate judge.
- (3) See ¶ (5), *supra*.
- (4) See ¶ (8), *supra*.
- (5) Five (5) days.
- (6) None.

I RECOMMEND that the Court set the case down for an Initial Pretrial Conference pursuant to Local Rule 117.1 *to hear the motion to suppress and to set a firm trial date.*

¹

A motion to revoke the detention order (#32) is also pending.

THE FILE IS RETURNED TO THE CLERK'S OFFICE WITH INSTRUCTIONS TO BRING THE CASE TO THE IMMEDIATE ATTENTION OF THE COURTROOM DEPUTY CLERK ASSIGNED TO JUDGE GORTON'S SESSION.

The Clerk shall enter on the docket the fact that the case "is no longer referred to Magistrate Judge Collings."

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

April 29, 2005.